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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,599	10/27/2003	Egbert Classen	2001P11003WOUS	3516
46726 7590 02/25/2008 BSH HOME APPLIANCES CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 100 BOSCH BOULEVARD NEW BERN, NC 28562				
EXAMINER				
ADAMS, GREGORY W				
ART UNIT		PAPER NUMBER		
3652				
MAIL DATE		DELIVERY MODE		
02/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,599

Applicant(s)

CLASSEN ET AL.

Examiner

GREGORY W. ADAMS

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-25, 27-29, 32-36, 38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-25, 27-29, 32-36, 38 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-25, 27-29 & 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill (US 3,093,252) (previously cited) in view of Lemelson (US 3,788,500) (previously cited).

With respect to claims 19-25, 27-29 & 39, Cahill discloses an apparatus comprising:

- a conveying unit 20, 30 conveying a plurality of multi-piece goods units therein;
- conveying unit beam guide members 31 fixed to an overhead support structure;
- conveying unit unitary traveling support beam 40, 55 operatively connected to beam guide members for reciprocating travel;
- two gripping units 20, 30 operatively mounted to a unitary support beam 31 for movement therewith and disposed in spaced succession therealong, each gripping unit including
 - a laterally oriented crossbeam 40 (or 23, 23a, 27), and

- two fixed length legs 24, 53, 54, 56 and being movable with respect to one another (C5/L10) and mounted to a crossbeam 40 (or 23, 23a, 27);
- two lifting units 62, 64, 66 (C4/L60-65) mounted to a crossbeam 40 for lifting multi-piece goods units in a generally vertical direction perpendicular to the loading and unloading direction for movement of the multi-piece goods units into and out of the transport compartment;

Cahill does not disclose a conveying unit inserted into a transport compartment. Lemelson discloses rails 20, 21 that extend in to a transfer compartment (FIG. 4: 25)], a conveying unit having two gripping units 16 (C1/L38-39) disposed one after another [does not equate to two gripping units as part of a whole, i.e. that one gripping follows another in successive fashion], crossmember [e.g. the crossmember at the top of each gripping unit] and lifting units that lifts goods off a base in a vertical direction. Lemelson teaches automatic loading of cargo from an automatic warehouse to directly load into a vehicle eliminate a manual step. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Cahill to include a conveying unit inserted into a transport compartment, as per the teachings of Lemelson, to eliminate manual loading.

Claims 32-36 & 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill in view of Lemelson and further in view of McManus (US 4,736,971) (previously cited).

With respect to claims 32-36 & 38, Cahill discloses an apparatus comprising:

- a plurality of beam guide members fixed to an overhead support structure;
- a unitary traveling support beam 31 operatively connected to beam guide members and extending in a substantially horizontal direction for reciprocating travel;
- a crossbeam 40 extending in a direction substantially transverse to the support beam 31, mounted operatively thereto and having a first end and a second end disposed opposite a first end;
- a first leg 24, 53, 54, 56 connected to the first end of a crossbeam and extending downwardly in a substantially vertical direction from the crossbeam;
- a second leg 24, 53, 54, 56 connected to a second end of a crossbeam and extending downwardly in a substantially vertical direction from the crossbeam, first and second legs having respective length dimensions sufficient to extend beyond individual pieces of the multi-piece goods units and being movable toward one another to clamp the multi-piece goods units and away from one another to release the multi-piece goods units; and

Cahill discloses reciprocating movement and the ability to lift goods and does not disclose a hydraulic cylinder to lift and a conveying unit that extends into a transport compartment.

Lemelson discloses a unitary traveling support beam 15' operatively connected to beam guide members and extending in a substantially horizontal direction for reciprocating travel into and out of a transport compartment for depositing multi-piece goods units in a transport compartment or retrieving multi-piece goods units from the

transport compartment. Lemelson teaches automatic loading of cargo from an automatic warehouse to directly load into a vehicle eliminate a manual step. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Cahill to include a unitary traveling support beam, as per the teachings of Lemelson, to eliminate manual loading.

McManus discloses a support beam 13, crossbeam 20, first and second legs 28, 32, and a hydraulic cylinder 15 capable of lifting aluminum billets of varying size and configurations, e.g. more than one billet per lift. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Cahill to include a hydraulic cylinder, as per the teachings of McManus, to lift loads of varying size and quantity.

Response to Arguments

Applicant's arguments filed Dec. 21, 2007 have been fully considered but they are not persuasive. Fixed is defined as "stationary" (www.dictionary.com). At any point in time Cahill's grippers 30 are stationary such that without actuation of carriage motor 44 there is no translation along beams 31, without actuation of raise/lift motor 68 which causes "projection and retraction of the jaws 56 along the arms 54" (C4/L65-70) the gripping legs cannot raise, i.e. retract, and without actuation of motor 77 legs 54 (or 24) cannot be driven "toward and away from each other, in order to clamp and release stacked articles." (C5/L10-15). Thus, fixed is a relative term such that without a frame of reference anything can be fixed at any point in time. And with respect to fixed length, at the point in which grippers 30 grip articles, they do not move. The projection/retraction

referred to at (C4/L65-70) is at least movement that can occur prior to gripping such that after gripping the legs do not project/retract. Again, it's a question of relativity.

Applicants arguments with respect to a potential instability of Cahill is irrelevant to the question of structural differences between the cited prior art and the claims. And, McManus merely shows that one lifting mechanism can be replaced by another. A skilled artisan in the art of conveying articles would make this adjustment for the reasons noted in McManus. Moreover, McManus and Cahill are clearly analogous. Thus, the combination is proper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY W. ADAMS whose telephone number is (571)272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Saúl J. Rodríguez/
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/G. W. A./
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2/11/2008